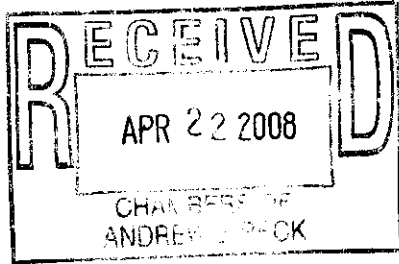


LEGAL MAIL

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DOC#  
DATE FILED: 4/22/08

April 18, 2008

Mr. Alvaro Carvajal  
96 A 2380  
Clinton Correctional  
Facility Annex  
P.O. Box 2002  
Dannemora, N.Y. 12929

Re: Carvajal v. Artus, 07 Civ. 10634 (CM) (AJP)

Honorable Andrew J. Peck  
United States Magistrate Judge  
United States District Court,  
Southern District of New York  
500 Pearl Street, Room 1370  
New York, New York 10007-1312

**MEMO ENDORSED** *12*

Dear Honorable Judge Peck:

As the Petitioner in a proceeding seeking a writ of habeas corpus, I wish to write advising the court of the fact that no receipt has been had by me of any papers from the office of the Attorney General of the State of New York or filed with the Court Clerk in response to the said Petition submitted by myself, as the Petitioner in the above-referenced proceeding -- this, despite Your Honor's having been overly gracious in effort to seek compliance with not one, but two of the previously-issued Orders of the Court granting extensions of time to file a Return to the Petition, the latter of which appears to have been cavalierly ignored to date.

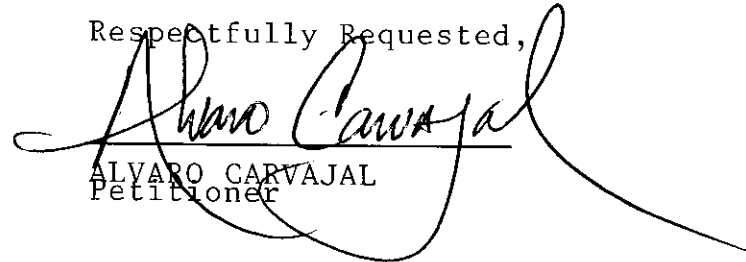
Inasmuch as the Order to Show Cause issued by Your Honor is dated December 10, 2007, and no response having been either filed or served upon the Petitioner or with the Court, Petitioner hereby moves that the Court direct the Clerk of the Court to not accept for filing (out-of-time) any belated papers relating to the above-referenced habeas corpus action, until further notice of the Court, preclude the respondent from asserting any opposition in avoidance of the contents of the filed Petition, predicated upon the grounds of neglect of legal matters of serious and significant import to the fair and due administration of justice, and determine that the Office of the Special Narcotics Prosecutor and Attorney General of the State of New York (respective offices) have defaulted, such that judgment on the pleadings should be entered against the State Respondent forthwith, with prejudice.

Honorable Magistrate Peck  
April 17, 2008  
Page -2-

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Thank you for your consideration. I look forward to receipt of Your Honor's reply to the above detailed entreaties of Petitioner, and for such other and further relief as the Court may seem as just and proper within the premises.

Respectfully Requested,


  
ALVARO CARVAJAL  
Petitioner

All of the foregoing is true and correct,  
under the penalty of perjury, this 18th AC. 4-18-2008  
day of April, 2008. Title 42 U.S. Code 1746.

**MEMO ENDORSED** 4/22/08

The State's opponent's paper was filed under  
H-6 on April 14. I signed your motion  
and your opponent's letter was sent. If not,  
without Alvaro Carvajal and Thomas Litky of the  
Alvaro Carvajal's Office/PA regarding NY  
NY 10271) for the H-6 Bd. 5. a respondent  
any A. H.

SO ORDERED:

  
Hon. Andrew Jay Peck  
United States Magistrate Judge

**BY FAX**

cc: Mr. Carvajal (sent)  
Mr. Litky (for)  
Jep M. Nelson

# FAX TRANSMITTAL SHEET



**ANDREW J. PECK  
UNITED STATES MAGISTRATE JUDGE  
UNITED STATES DISTRICT COURT**

Southern District of New York  
United States Courthouse  
500 Pearl Street, Room 1370  
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933  
Telephone No.: (212) 805-0036

**Dated:** April 22, 2008

**Total Number of Pages:** 3

TO	FAX NUMBER
Thomas B. Litsky, Esq.	212-416-6009

## **TRANSCRIPTION:**

### **MEMO ENDORSED 4/22/08**

The State's opposition papers were filed with the Court on April 14. I suspect your mailed copies arrived after your letter was sent. If not, contact Alyson Gill and Thomas Litsky of the Attorney General's Office (120 Broadway, NY, NY 10271) for them to Fed Ex a replacement copy for you.

**Copies to:** Alvaro Carvajal (Mail)  
Judge Colleen McMahon